

107TH CONGRESS
2D SESSION

S. 3105

To amend the Public Health Service Act to provide grants for the operation of enhanced mosquito control programs to prevent and control mosquito-borne diseases.

IN THE SENATE OF THE UNITED STATES

OCTOBER 10, 2002

Mr. FRIST (for himself, Mr. DODD, Mr. SANTORUM, Mr. BAYH, Mr. COCHRAN, and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Public Health Service Act to provide grants for the operation of enhanced mosquito control programs to prevent and control mosquito-borne diseases.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “West Nile Virus and
5 Arboviral Disease Act”.

1 **SEC. 2. TEMPORARY PROGRAM FOR WEST NILE VIRUS AND**
2 **RELATED ARBOVIRAL DISEASES.**

3 Section 319 of the Public Health Service Act (42
4 U.S.C. 247d) is amended—

5 (1) by redesignating subsections (b) through (d)
6 as subsections (c) through (e), respectively; and

7 (2) by inserting after subsection (a), the fol-
8 lowing:

9 “(b) TEMPORARY PROGRAM FOR WEST NILE VIRUS
10 AND RELATED ARBOVIRAL DISEASES.—

11 “(1) IN GENERAL.—The Secretary, acting
12 through the Director of the Centers for Disease
13 Control and Prevention, may make grants to States
14 for the prevention and control of West Nile Virus
15 and related arboviral diseases. States that receive
16 grants under this subsection are encouraged to work
17 with local health entities to develop prevention and
18 control programs.

19 “(2) PREFERENCE IN MAKING GRANTS.—In
20 awarding grants under paragraph (1), the Secretary
21 may give preference to State that—

22 “(A) have an incidence or prevalence of
23 West Nile Virus or related arboviral diseases, or
24 a population of infected mosquitoes, that is sub-
25 stantial relative to other States; or

1 “(B) have an increased risk of West Nile
2 Virus or related arboviral diseases.

3 “(3) USE OF FUNDS.—Funds made available
4 under a grant under this subsection shall be used
5 for—

6 “(A) the development, implementation, and
7 evaluation by States and localities of commu-
8 nity-based, comprehensive mosquito control
9 plans, based upon the guidelines developed
10 under paragraph (7); and

11 “(B) the development and implementation
12 of programs on medical entomology,
13 arbovirology, and other vector-borne diseases,
14 that would support longer term prevention and
15 control efforts, including training to assist in
16 developing a competent workforce to direct and
17 manage local mosquito and vector-borne disease
18 control programs.

19 “(4) MATCHING FUNDS AND LIMITATION ON
20 SUPPLANTING.—

21 “(A) IN GENERAL.—To be eligible to re-
22 ceive a grant under this subsection a State shall
23 provide assurances to the Secretary that the
24 State shall, with respect to the costs of the pro-
25 gram to be carried out by the State under the

1 grant, make available (directly or through dona-
2 tions from public or private entities) non-Fed-
3 eral contributions toward such costs in an
4 amount that is not less than 50 percent of such
5 costs (or \$1 for each \$1 of Federal funds pro-
6 vided under the grant).

7 “(B) DETERMINATION OF AMOUNT CON-
8 TRIBUTED.—Non-Federal contributions re-
9 quired under subparagraph (A) may be in cash
10 or in kind, fairly evaluated, including plant,
11 equipment, or services. Amounts provided by
12 the Federal Government, or services assisted or
13 subsidized to any significant extent by the Fed-
14 eral Government, may not be included in deter-
15 mining the amount of such non-Federal con-
16 tributions.

17 “(C) SUPPLEMENT NOT SUPPLANT.—
18 Amounts provided under a grant under this
19 subsection shall be used to supplement, and not
20 supplant, State and local funds provided for ac-
21 tivities of the type funded under this sub-
22 section.

23 “(D) WAIVER.—The Secretary may waive
24 the requirements of subparagraph (A) with re-
25 spect to a State if the Secretary determines

1 that extraordinary economic conditions in the
2 State justify such a waiver.

3 “(5) LOCAL INVOLVEMENT.—

4 “(A) IN GENERAL.—A State that receives
5 funds under this subsection shall, to the extent
6 practicable, involve localities in the planning,
7 implementation, and evaluation of community-
8 based, comprehensive mosquito control plans.

9 “(B) LOCAL PUBLIC HEALTH IMPROVE-
10 MENT.—A State that receives a grant under
11 this subsection shall ensure that not less than
12 85 percent of the amount received under the
13 grant is expended at the local level or for local
14 public health improvement related to the West
15 Nile Virus or related arboviral diseases.

16 “(6) TECHNICAL ASSISTANCE.—

17 “(A) IN GENERAL.—Amounts appropriated
18 to carry out this subsection may be used to ex-
19 pand the capability of the Centers for Disease
20 Control and Prevention to provide technical
21 support to State and local health departments
22 in the implementation and evaluation of mos-
23 quito control programs and the containment of
24 relevant arboviral diseases. Such technical as-

1 sistance may include the development of guide-
 2 lines, as described in paragraph (7).

3 “(B) LIMITATION.—Not to exceed 20 per-
 4 cent of the amount appropriated to carry out
 5 this subsection for a fiscal year may be used as
 6 provided for under subparagraph (A).

7 “(7) MOSQUITO ABATEMENT GUIDELINES.—
 8 The Secretary, acting through the Director of the
 9 Centers for Disease Control and Prevention and in
 10 consultation with public and private health and mos-
 11 quito control organizations, shall provide for the de-
 12 velopment of a plan, together with standard oper-
 13 ating procedures, to serve as a guideline for State
 14 and local communities for the development, imple-
 15 mentation, and evaluation of sustainable, locally
 16 managed, integrated mosquito control programs.
 17 The elements of such guidelines shall be limited to
 18 those functions determined as appropriate by the Di-
 19 rector for building the public health infrastructure.
 20 Such guidelines should include programs to—

21 “(A) identify new human cases of disease;

22 “(B) track the spread of disease through
 23 monitoring infection in mosquitoes, birds,
 24 horses, and any other creatures that may be in-
 25 volved;

1 “(C) provide laboratory support for test-
2 ing;

3 “(D) increase participation in the existing
4 surveillance system for arboviruses;

5 “(E) provide for the conduct of educational
6 and public outreach campaigns to reduce expo-
7 sure to arboviruses; and

8 “(F) outline appropriate procedures for
9 mosquito control and for monitoring possible
10 health or environmental effects.

11 “(8) EVALUATION.—

12 “(A) IN GENERAL.—The Secretary shall
13 conduct an evaluation of the program estab-
14 lished under this subsection.

15 “(B) REPORT.—Not later than 18 months
16 after the date of enactment of the West Nile
17 Virus and Arboviral Disease Act, the Secretary
18 shall submit to Congress a report concerning
19 the program established under this subsection,
20 that shall include—

21 “(i) the results of the evaluation con-
22 ducted under subparagraph (A);

23 “(ii) information related to the devel-
24 opment of a sustainable mosquito abate-

ment program for those States that have received funds under this subsection;

“(iii) a description of the progress made in the development and implementation of the guidelines under paragraph (7); and

“(iv) an evaluation of the overall costs and benefits of the program established under this subsection.

“(9) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2003 and 2004. In the case of control programs carried out in response to the West Nile Virus or related arboviruses that constitute a public health emergency, the authorization of appropriations under the preceding sentence is in addition to applicable authorizations under the Public Health Security and Bioterrorism Response Act of 2002 (or the amendments made by such Act).

“(10) TERMINATION.—The program established

under this subsection shall terminate on September 30, 2004, except that the Secretary, based on the evaluation conducted under paragraph (6), may extend such program for an additional fiscal year.”.

1 **SEC. 3. RESEARCH PROGRAM.**

2 Part B of title II of the Public Health Service Act
3 (42 U.S.C. 238 et seq.) is amended by adding at the end
4 the following:

5 **“SEC. 249. ARBOVIRUS RESEARCH PROGRAM.**

6 “(a) IN GENERAL.—The President shall expand, in-
7 tensify, and enhance research (either directly or through
8 the awarding of grants or contracts) to—

9 “(1) identify or develop methods of controlling
10 the population of insects that transmit to humans
11 diseases that have significant adverse health con-
12 sequences (including the West Nile Virus);

13 “(2) develop rapid screening tools for West Nile
14 Virus in blood or organs;

15 “(3) develop pathogen inactivation technologies
16 (technologies that safely and cost-effectively remove
17 RNA and DNA from blood); and

18 “(4) develop additional methodologies for con-
19 taining the spread of the West Nile Virus or other
20 related arboviruses.

21 “(b) SCOPE OF ACTIVITIES.—Activities under sub-
22 section (a)(1) may include examining methodologies that
23 have been used or are being used to control insect popu-
24 lations as well as developing new methodologies.

25 “(c) ENTITIES INVOLVED.—Activities under sub-
26 section (a) may be carried out through the National Insti-

1 tute of Environmental Health Sciences, other Institutes
2 at the National Institutes of Health, the Environmental
3 Protection Agency, the Centers for Disease Control and
4 Prevention. the Food and Drug Administration, or any
5 other relevant Federal Government entity. To the extent
6 practicable, in carrying out this section, the President
7 shall promote coordination between the relevant Federal
8 agencies, the private sector, and individuals and organiza-
9 tions with appropriate expertise including expertise in
10 public health, entomology, arbovirology, and veterinary
11 health.

12 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
13 is authorized to be appropriated to carry out this section,
14 such sums as may be necessary for each of fiscal years
15 2003 through 2007.”.

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